

REMARKS

Claims 1, 3-9, and 18-33 are pending in this application. Claims 1, 3-9, and 18-33 are rejected. Claims 1, 8, and 18 are amended; claims 9, 26, 28, and 30 are canceled; and claims 34-36 are added hereby.

Responsive to the rejection of claims 1, 3, 18-21, 23-26, 29, and 30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,287,980 (Saltz) in view of U.S. Patent No. 5,680,957 (Liu), and to the rejection of claims 8, 9, 22, 27, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Saltz in view of Liu and U.S. Patent No. 5,518,139 (Trower et al.), Applicants have amended claims 1, 8, and 18. Accordingly, Applicants submit that claims 1, 8, and 18, and claims 3-7 and 19-25, 27, 29, 31-33 depending respectively therefrom, are now in condition for allowance.

Saltz discloses a lottery ticket dispenser assembly 10 including dispenser units 12 arranged in vertically stacked, interlocking relation. The dispenser units each include sets of rails which are engageable with complementary sets of rails on adjacent dispenser units to interlock the dispenser units for sliding movement relative to one another. Each dispenser unit also includes a door which, when closed, prevents the rails of adjacent dispenser units from being disengaged to prevent unauthorized personnel from disassembling the dispenser assembly. (Abstract).

Liu discloses drawer-type storage bins for stacking one on another. Fig. 2 shows the storage bins stacked but not offset from each other.

Trower et al. discloses a portable storage assembly. The storage assembly includes a bottom tub container 20, a series of at least two trays 22 (bottom tray) and 24 (top tray) which nest one within the other and which collectively nest in the tub container 20, and a cover 26 (Figs. 1 and 3). Bottom tray 22 is held in container 20 by cooperative engagement of peripheral rib 60 of bottom tray 22 and flange 54 defined around the periphery of container 20 (column 3, lines 12-

21)(Fig. 8). Similarly, top tray 24 is held in bottom tray 22 by cooperative engagement of circumferential rib 60 of top tray 24 and peripheral rib 60 of bottom tray 22 (column 3, lines 47-57)(Fig. 8).

In contrast, claim 1, as amended, recites in part “a plurality of sterilization cases including a first sterilization case and a second sterilization case, said second sterilization case stacked directly upon said first sterilization case in a vertical direction, said second sterilization case offset from said first sterilization case in a frontward to rearward direction, each of said plurality of sterilization cases being selectively movable between a closed position and an open position, said second sterilization case offset from said first sterilization case in a direction transverse to said vertical direction when each of said first and said second sterilization cases is in said closed position, in said closed position each of said plurality of sterilization cases having a general box shape and including a plurality of walls defining said general box shape, in said closed position said plurality of walls of each of said plurality of sterilization cases including a top wall and a bottom wall, said top wall and said bottom wall of each of said plurality of sterilization cases being substantially parallel relative to one another in said closed position and substantially horizontal in said closed position, said bottom wall of said second sterilization case at least partially directly contacting said top wall of said first sterilization case when each of said first and said second sterilization cases is in said closed position, said first and said second sterilization cases being substantially identical to one another when each of said first and said second sterilization cases is in said closed position, each of said plurality of sterilization cases including at least one drawer therein selectively slidable from said closed position to said open position in a rearward to frontward direction, said bottom wall of said second sterilization case being offset from said top wall of said first sterilization case in said frontward to rearward direction when each of said first and second sterilization cases is in said closed position and when said second

sterilization case is seated on said first sterilization case.” (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Saltz and Liu, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Claim 8, as amended, recites in part “a plurality of sterilization cases including a first sterilization case and a second sterilization case, said second sterilization case offset from said first sterilization case in a frontward to rearward direction, said first sterilization case including at least one handle, said second sterilization case including at least one recessed pocket, at least one said handle interlocking with at least one said recessed pocket when said second sterilization case is stacked directly upon said first sterilization case in a vertical direction, each of said plurality of sterilization cases being selectively movable between a closed position and an open position, said second sterilization case being offset from said first sterilization case in a direction transverse to said vertical direction when each of said first and said second sterilization cases is in said closed position, in said closed position each of said plurality of sterilization cases having a general box shape and including a plurality of walls defining said general box shape, in said closed position said plurality of walls of each of said plurality of sterilization cases including a top wall and a bottom wall, said top wall and said bottom wall of each of said plurality of sterilization cases being substantially parallel relative to one another in said closed position and substantially horizontal in said closed position, said bottom wall of said second sterilization case at least partially directly contacting said top wall of said first sterilization case when said second sterilization case is stacked upon said first sterilization case in a vertical direction and when each of said first and said second sterilization cases is in said closed position, each of said plurality of sterilization cases including at least one drawer therein selectively slidable from said closed position to said open position in a rearward to frontward direction, said bottom wall of said second sterilization case being offset from said top wall of said first sterilization case in said

frontward to rearward direction when each of said first and second sterilization cases is in said closed position and when said second sterilization case is seated on said first sterilization case.”

(Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Saltz, Liu, and Trower, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Claim 18, as amended, recites in part “stacking a plurality of sterilization cases including a first sterilization case and a second sterilization case, said second sterilization case stacked directly upon said first sterilization case in a vertical direction; offsetting said second sterilization case from said first sterilization case in a frontward to rearward direction; providing both said first and said second sterilization cases are selectively movable between a closed position and an open position, each of said plurality of sterilization cases including at least one drawer therein selectively slidable from said closed position to said open position in a rearward to frontward direction; providing that in said closed position each of said first and said second sterilization cases has a general box shape and includes a plurality of walls defining said general box shape, in said closed position said plurality of walls of each of said first and said second sterilization cases including a top wall and a bottom wall, said top wall and said bottom wall of each of said first and said second sterilization cases being substantially parallel relative to one another in said closed position and substantially horizontal in said closed position, said bottom wall of said second sterilization case at least partially directly contacting said top wall of said first sterilization case when said second sterilization case is stacked upon said first sterilization case in a vertical direction and when each of said first and said second sterilization cases is in said closed position; and offsetting said second sterilization case from said first sterilization case in a direction transverse to said vertical direction when each of said first and said second sterilization cases is in said closed position, said first and said second sterilization cases being substantially identical to

one another when each of said first and said second sterilization cases is in said closed position, said bottom wall of said second sterilization case being offset from said top wall of said first sterilization case in said frontward to rearward direction when each of said first and second sterilization cases is in said closed position and when said second sterilization case is seated on said first sterilization case.” (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Saltz and Liu, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

The Office Action at page 2 states that “the second case is offset from the first case in the Fig. 1 view” (of Saltz) and further states that “[t]he bottom wall of a second case being offset from the top wall of a first case upon which the second case is stacked upon in frontward to rearward direction with the cases in a closed position is accomplished by a sliding connection of rails 52 and 54.” Applicants thus understand that the Office Action refers to Fig. 1 of Saltz and, more particularly, to the topmost and middle units 12 of the dispenser apparatus 10 of Fig. 1 of Saltz to show the offset claimed in claims 1, 8, and 18 of the present application. Applicants further understand that the Office Action posits that the offset between those units 12 occurs when the topmost unit 12 is being slid along rails onto the middle unit 12 (in the direction of the arrow shown in Fig. 1) and thus prior to the topmost unit 12 being fully engaged and thereby aligned with middle unit 12. In response to this position, Applicants submit two arguments for consideration. The first argument respectfully traverses the rejection of claims 1, 8, and 18 based on Saltz. The second argument respectfully submits that claims 1, 8, and 18, and claims depending therefrom, are patentable in light of the current amendments to claims 1, 8, and 18.

Regarding the first argument, Saltz states as follows:

Each dispenser also includes a door which, when closed, cooperates with the rails to fix adjacent dispensers relative to each other. To mount an upper dispenser on a lower dispenser, the door on the lower dispenser is opened, the complementary

rails of the respective dispensers are interlocked and the upper dispenser is slid forwardly on the lower dispenser until it engages stops on the upper rails of the lower dispenser. To thereafter lock the upper dispenser in fixed position on the lower dispenser, the door of the lower dispenser is closed to block sliding movement between the dispensers.

(Column 1, lines 41-51). Saltz further states that “door 28 of a dispenser unit 12 must remain open while another dispenser unit 12 is being placed thereon or disassembled therefrom.”

(Column 5, lines 2-4). Indeed, Fig. 1 shows that when the topmost unit 12 is being slid onto the middle unit 12 (prior to the topmost unit 12 being fully engaged with the middle unit 12), door 28 of the middle unit 12 is open. Door 28 being open, the middle unit 12 is not in a closed position. Further, when door 28 of the topmost unit 12 and door 28 of the middle unit 12 are closed, the bottom wall of the topmost unit 12 the top wall of the middle unit 12 are not offset. Thus, Saltz fails to disclose the bottom wall of the topmost unit 12 being offset from the top wall of the middle unit 12 in a frontward to rearward direction when the topmost unit 12 and the middle unit 12 are in the closed position.

Regarding the second argument, Saltz states as follows:

As shown in FIG. 3, the upper rails 52 are each provided with a stop portion 56 at the forwardmost end thereof. When an upper dispenser unit 12 is slid to its *fully engaged or forwardmost position* on a lower adjacent dispenser unit 12 (i.e. the lower rails 52 of the upper dispenser unit 12 engage the stop portions 45 on the lower dispenser unit 12), the rear surfaces 24 of the adjacent dispenser units 12 are preferably coplanar. This relationship is shown by the lower two dispenser units 12 illustrated in FIG. 1. The front walls 16 of adjacent dispenser units 12 are also preferably coplanar when the units 12 are *fully engaged* to provide the dispenser apparatus 10 with a planar front surface through which the tickets 26 are viewed.

(Column 4, lines 37-50). Thus, the upper unit 12 is not “fully engaged” with the lower adjacent unit 12 until the upper unit 12 is slid all the way onto the lower adjacent unit 12 to the forwardmost position. Applicants further submit that the upper unit 12 is not seated with the lower adjacent unit 12 until the upper unit 12 is fully engaged with the lower adjacent unit 12. However, when the upper unit is fully engaged with the lower adjacent unit 12, the bottom wall of

the upper unit 12 is not offset with the top wall of the lower adjacent unit 12. By contrast, when the second sterilization case is seated on the first sterilization case of the present invention, the bottom wall of the second sterilization case is offset from the top wall of the first sterilization case. The notion of the second sterilization case being “stacked” directly on the first sterilization case includes the notion that the second sterilization case is seated on the first sterilization case, as shown in the drawings. The second sterilization case is seated on the first sterilization case because the frames of the two sterilization cases do not move relative to each other, although the drawers of the first and second sterilization cases and possibly a lid of the second sterilization case can move when the second sterilization case is stacked and seated on the first sterilization case. Thus, Saltz fails to disclose the bottom wall of the upper unit 12 being offset from the top wall of the lower adjacent unit 12 in a frontward to rearward direction when the upper unit 12 is seated on the lower adjacent unit 12.

The Office Action at page 3 takes office notice “that partially spherically shaped registration elements are well known in the stacking art.” Applicants do not concede the accuracy of this statement, particularly considering that “the stacking art” is ambiguous.

Applicant notes that while claims 26, 28, and 30 have been canceled, their limitations have been included in claims 25, 27, and 29.

An advantage of the present invention is that an upper sterilization case can be stacked and seated on a lower adjacent sterilization case in an offset and self-supporting manner and can thus be opened by pulling forward drawers of each case, the stacked cases remaining stable when any of the drawers are in either an open or closed position.

For the foregoing reasons, Applicants submit that claims 1, 8, and 18, and claims 3-7 and 19-25, 27, 29, 31-33 depending respectively therefrom, are now in condition for allowance, which is hereby respectfully requested.

Claims 4-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Saltz in view of Liu and further in view of U.S. Patent No. 5,078,460 (Holsinger). However, claims 4-5 depend from claim 1, which is in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 4-5 are also now in condition for allowance, which is hereby respectfully requested.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Saltz in view of Liu and Holsinger and further in view of U.S. Patent No. 6,395,234 (Hunnell et al.). However, claim 6 depends from claim 1, which is in condition for allowance for the reasons given above. Accordingly, Applicants submit that claim 6 is also now in condition for allowance, which is hereby respectfully requested.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Saltz in view of Liu and Holsinger and further in view of Trower et al. However, claim 7 depends from claim 1, which is in condition for allowance for the reasons given above. Accordingly, Applicants submit that claim 7 is also now in condition for allowance, which is hereby respectfully requested.

Claims 31 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Saltz in view of Liu and further in view of U.S. Patent No. 5,540,901 (Riley). However, claims 31 and 33 depend from claims 1 and 18 respectively, which are in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 31 and 33 are also now in condition for allowance, which is hereby respectfully requested.

Claim 32 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Saltz in view of Liu and Trower and further in view of Riley. However, claim 32 depends from claim 8, which is in condition for allowance for the reasons given above. Accordingly, Applicants submit that claim 32 is also now in condition for allowance, which is hereby respectfully requested.



Claims 34-36 have been added to further protect the patentable subject matter of the present invention. Claim 34 recites in part “wherein said bottom wall of said second sterilization case is offset from said top wall of said first sterilization case in said frontward to rearward direction when said first and second sterilization cases are fully engaged relative to one another.” (Emphasis added). None of the prior art references, alone or in combination, disclose or suggest this patentable feature. Claim 35 recites in part “wherein said bottom wall of said second sterilization case is offset from said top wall of said first sterilization case in said frontward to rearward direction when said first and second sterilization cases are fully engaged relative to one another.” (Emphasis added). None of the prior art references, alone or in combination, disclose or suggest this patentable feature. Claim 36 recites in part “wherein said bottom wall of said second sterilization case is offset from said top wall of said first sterilization case in said frontward to rearward direction when said first and second sterilization cases are fully engaged relative to one another.” (Emphasis added). None of the prior art references, alone or in combination, disclose or suggest this patentable feature. As argued above, when the upper unit 12 “fully engages” the lower adjacent unit 12, the upper unit 12 is not offset from the lower adjacent unit 12.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to

telephone the undersigned at (260) 897-3400.

Respectfully submitted,

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